

1 DANIELLE M. HOLT
(Nevada Bar No. 13152)
2 DE CASTROVERDE LAW GROUP
1149 S Maryland Pkwy
3 Las Vegas, NV 89104
4 Ph (702) 222-999
Fax (702) 383-8741
5 danielle@decastroverdelaw.com

6 JESSICA L. BLOME
(Cal. Bar No. 314898, admitted pro hac vice)
7 GREENFIRE LAW, PC
2748 Adeline Street, Suite A
8 Berkeley, CA 94703
9 (510) 900-9502
10 jblome@greenfirelaw.com

11 *Attorneys for Plaintiffs*

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14 **UNITED STATES DISTRICT COURT**
15 **DISTRICT OF NEVADA**

16 ANIMAL WELLNESS ACTION, a non-
17 profit corporation, CANA FOUNDATION, a
non-profit corporation, LAURA LEIGH,
18 individually, and WILD HORSE
EDUCATION, a non-profit corporation,

19
20 Plaintiffs,

21 v.

22 UNITED STATES DEPARTMENT OF
INTERIOR, BUREAU OF LAND
23 MANAGEMENT, and JON RABY, Nevada
State Director of the Bureau of Land
24 Management,

25 Defendants.
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27
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CASE NO. 3:22-cv-00034

**DECLARATION OF MANDA
KALIMIAN ON BEHALF OF THE
CANA FOUNDATION**

1 I, Manda Kalimian, declare as follows:

2 1. The facts contained in this declaration are known personally to me and, if called
3 as a witness, I could and would testify competently thereto under oath.

4 2. I am a resident of New York.

5 3. I am the CEO and founder of the non-profit organization the CANA Foundation
6 (CANA), which has its principal place of business at 6150 Northern Boulevard, East Norwich,
7 N.Y., 11732. I have been authorized to make this declaration on behalf of CANA.

8 4. CANA is a non-profit corporation whose mission is conserve and restore the
9 North American landscape by creating sustainable environmental ecosystems through restoring
10 and preserving biodiversity and native species (also known as “rewilding”); in particular,
11 CANA’s focus is on the reintroduction and continuing survival of wild horses as a keystone
12 species within their ecosystems. CANA believes that reintroducing and sustaining wild horses in
13 their historic habitats can improve the overall health and vitality of North American grasslands.
14 CANA’s initiatives to achieve this mission foster community empowerment, land conservation,
15 and the sustainable management and preservation of America’s wild horse populations.

16 5. In particular, the Pancake Complex is one of the wild horse herds that CANA
17 Foundation monitors and advocates for.

18 6. CANA Foundation also rescues and rehomes, including by reintroduction into
19 private wild spaces, wild horses in order to improve their quality of life and ensure that they can
20 live with dignity in protected habitats.

21 7. CANA aided in the rescue of three “Medicine Hat” (horses with specific markings
22 on their heads, believed by Native tribes to have magical or mystical protective abilities) wild
23 horses from the 2022 Pancake Complex gather, who were reunited as family in North Dakota.

24 8. CANA Foundation actively monitors for any Herd Management Area Plans
25 (HMAPs) that are available for public comment in the United States and routinely submits
26 comments throughout the public commenting process.

27 9. I am aware that an HMAP was never prepared for the Pancake Complex, as
28 required by law.

1 10. Had an HMAP had been created for the Pancake Complex, CANA would have
2 submitted comments during the appropriate scoping period. In the comments CANA would have
3 submitted, CANA would have advocated for and advanced rewilding as an alternative
4 management strategy for wild horses and burros.

5 11. As a result of the BLM's failure to prepare an HMAP and CANA's resulting
6 inability to provide comments on said HMAP, as well as the BLM's refusal to entertain
7 comments it considered outside the scope of its NEPA review that would have been appropriate
8 in the context of an HMAP review, the CANA Foundation's primary organizational mission was
9 thwarted.

10 12. Another major component of CANA's mission is the advancement of the
11 scientific study of wild horses through genetics and environmental DNA.

12 13. CANA has funded two groundbreaking environmental DNA (eDNA) research
13 papers from McMaster University. Specifically, eDNA extracted from soil samples has
14 suggested that mammoths and Yukon wild horses survived thousands of years longer than
15 science previously believed. CANA has also funded scientific research that suggests that the wild
16 horses of the United States ought to be considered native species (rather than non-native species
17 that were introduced by the Spanish conquistadors).

18 14. The gathering and removal of wild horses in the Pancake Complex due to the
19 challenged actions have also adversely affected the scientific interests of CANA and its ability to
20 use scientific evidence to advance its primary mission. For example, CANA's ability to support
21 the scientific study of the Pancake Complex herds' range, the heat dome over the range, and the
22 drought experienced by the range was impacted.

23 15. For the environmental assessment (EA) for the Pancake Complex gather, the
24 BLM refused to solicit and consider the public's local knowledge of rare genetic lineages present
25 in the Pancake Complex such as Medicine Hat horses, Damale Curly horses, and Frame Overo
26 Paint horses. The BLM likewise refused to solicit and consider evidence of the native status of
27 wild horses, and the well-known harmful impacts of removing native keystone species on
28 habitats.

1 16. Had the BLM solicited and considered evidence of the above scientific evidence
2 of rare genetics and wild horses' native status, CANA would have offered such evidence.

3 17. Subsequently, during this gather and previous BLM gathers of this herd, several
4 genetic lines of rare horses were removed from the Complex and not returned. This includes
5 Medicine Hat horses, Damale Curly horses, and Frame Overo Paint horses. The BLM also
6 continued to geld, or castrate, stallions from rare genetic lines of wild horse breeds.

7 18. The BLM's failure to solicit and consider public comment on rare wild horse
8 genetic lineages in the Pancake Complex, and the subsequent actions by the BLM that may have
9 advanced the permanent extinction of rare genetic wild horse lineages, have thwarted and
10 harmed the ability of CANA to advance scientific inquiry into wild horse genetics. CANA's
11 scientific inquiry serves to advance CANA's primary mission to create and support sustainable
12 ecosystems through robust biodiversity, which includes healthy wild horse genetic pools.

13 19. In addition, the removal of these wild horses drastically depleted CANA's ability
14 to use these horses' genetics to trace the genetic lineages of American wild horses at large.
15 CANA believes that the United States, as a nation, was built on the back of a horse; to that end,
16 an important aspect of American history is within the genetics of these horses. Some of that
17 American history has now been forever lost.

18 20. Lastly, CANA also supports the exploration and enjoyment of wild horses
19 through the arts and the use of the arts to advocate for the reintroduction and sustainment of the
20 American wild horse. For example, CANA and 11 [HH] Art Gallery collaborated to bring about
21 the exhibition "Harmonic Rewild" at SCOPE Miami Beach for the 2022 Art Basel Week event.
22 From November 29 through December 4, 2022, approximately 76,000 visitors attended this
23 immersive art experience. The intention of the art piece was to impart to the observers the need
24 for rewilding and the beauty of wild horses and wild spaces.

25 21. The gathering and removal of wild horses in the Pancake Complex due to the
26 challenged actions have adversely affected the ability of CANA to use the arts to advance its
27 mission. Through the disappearance of thousands of wild horses, and especially the rare wild
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1 horse lineages and types mentioned above, CANA's ability to use the beauty, power, and
2 emotional impact of wild horses in art to advance CANA's mission has been stunted.

3 22. As a result of the BLM's contested actions pertaining to the 2022 Pancake
4 Complex gather, CANA was forced to divert resources towards bringing public awareness to the
5 BLM's mismanagement and mistakes in the gather. Had CANA not been forced to divert its
6 staff's attention and time to publicizing the Pancake Complex gather, CANA would have been
7 able to use those resources in its educational, scientific, and environmental activities, such as
8 genetic research, support of wild horse academia, and the purchase and creation of sustainable
9 wild lands in which wild horses can safely thrive.
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12 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United
13 States of America that the foregoing is true and correct.
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15 DATED this 08/09/23 day of August, 2023.

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17 Manda Kalimian
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